

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LINKSMART WIRELESS  
TECHNOLOGY, LLC,**

**Plaintiff,**

**v.**

- 1. T-MOBILE USA, INC.;**
  - 2. WAYPORT, INC.;**
  - 3. AT&T, INC.;**
  - 4. AT&T MOBILITY, LLC;**
  - 5. LODGENET INTERACTIVE  
CORP.;**
  - 6. IBAHN GENERAL HOLDINGS  
CORP.;**
  - 7. ETHOSTREAM, LLC;**
  - 8. HOT POINT WIRELESS, INC.;**
  - 9. NETNEARU CORP.;**
  - 10. PRONTO NETWORKS, INC.;**
  - 11. APTILO NETWORKS, INC.;**
  - 12. FREEFI NETWORKS, INC.;**
  - 13. MERAKI, INC.**
  - 14. SECOND RULE LLC**
  - 15. MAIL BOXES ETC., INC.;**
  - 16. MCDONALD'S CORP.;**
  - 17. BARNES & NOBLE  
BOOKSELLERS, INC.;**
  - 18. RAMADA WORLDWIDE, INC.;**
  - 19. MARRIOTT INTERNATIONAL,  
INC.;**
  - 20. INTERCONTINENTAL HOTELS  
GROUPS PLC;**
  - 21. CHOICE HOTELS  
INTERNATIONAL, INC.; AND**
  - 22. BEST WESTERN  
INTERNATIONAL, INC.,**
- Defendants.**

**Civil Action No: 2:08-CV-00264-TJW-CE**

**JURY**

**STIPULATION OF DISMISSAL**

Linksmart Wireless Technology, LLC and Intercontinental Hotels Group PLC by and through their counsel, hereby stipulate and agree pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, that all claims against Intercontinental Hotels Group PLC in the above-entitled action be dismissed without prejudice. Each party to this stipulation shall bear its own attorney's fees, costs and expenses incurred in connection with the action.

Respectfully submitted,

Dated: December 9, 2008

By: /s/ Marc A. Fenster by permission  
Marc A. Fenster  
(California Bar No. 181067)  
Russ August & Kabat  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
Telephone: (310) 826-7474  
Facsimile: (310) 826-6991

**Attorneys for Plaintiff**  
**Linksmart Wireless Technology, LLC**

Dated: December 9, 2008

By: /s/ John M. Guaragna  
John M. Guaragna, Esq.  
(Texas Bar No. 24043308)  
DLA Piper LLP (US)  
1221 South MoPac Expressway, Suite 400  
Austin, TX 78746-6875  
Telephone: (512) 457-7000  
Facsimile: (512) 457-7001

**Attorneys for Defendant**  
**InterContinental Hotels Group PLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 9th day of December 2008, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ John M. Guaragna  
John M. Guaragna